



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430
Cityofelynv.gov

ELY CITY COUNCIL REGULAR MEETING

February 23, 2023, 5:00 p.m. – Ely Volunteer Fire Hall – 499 Mill Street – Ely, Nevada

The Ely City Council meeting can also be accessed via video conference/teleconference. Please call City Hall or email CityClerk@cityofelynv.gov if you have questions regarding accessing the meeting.

Link: <https://zoom.us/j/9771306332> **Meeting ID:** 977 130 6332

Please Note: If you log on and experience difficulty hearing the meeting, please also call the toll-free numbers.

Dial by your location: +877-853-5247 US Toll-free
+888-788-0099 US Toll-free

THE COUNCIL MEMBERS MAY ADDRESS AGENDA ITEMS OUT OF SEQUENCE, COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, REMOVE AN ITEM OR DELAY DISCUSSION AT ANY TIME TO ACCOMMODATE PERSONS APPEARING BEFORE THE COUNCIL OR TO AID IN THE EFFICIENCY AND EFFECTIVENESS OF THE MEETINGS.

1. OPENING ACTIVITIES:

MEETING CALLED TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL

2. PUBLIC COMMENT: Per City Council action October 27, 2022, and in accordance with Nevada Revised Statutes 241.020, **public comment at the beginning of city council meetings is narrowed to agenda items only.** The public comment period at the close of city council meetings is for any matter relevant to or within the authority of the Public Body. Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. **Comments during Discussion Items will not be accepted from the General public.** “Section 7.05 of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

3. Mayor – Discussion/For Possible Action – Approval of Agenda, including removal of agenda items.

4. CITY DEPARTMENT REPORTS

- **FIRE CHIEF**
- **POLICE CHIEF**
- **MUNICIPAL COURT JUDGE**
- **CITY ATTORNEY**
- **CITY CLERK**
- **CITY TREASURER**
- **CITY PUBLIC WORKS SUPERVISOR**
- **CITY WATER OPERATOR**
- **CITY ENGINEER**
- **CITY BUILDING OFFICIAL**

5. REPORTS

**CITY COUNCIL
MAYOR**

6. THE MAYOR WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Council Members – City Building Official Peterson – Public Hearing – [Discussion Only](#) – Consideration of a petition for vacation or abandonment of a road or easement by Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280’L x 80’ W portion of Avenue E between Blocks 29 & 32 be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows: 466 East 7th Street, 777 Avenue E, 701 East Aultman, and Avenue E (Block 29).
2. Council Members – City Building Official Peterson – Public Hearing – [Discussion Only](#) – Consideration of a petition for vacation or abandonment of a road or easement by Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280’L x 20’ W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows: 466 East 7th Street, 777 Avenue E, 701 East Aultman, Avenue D (Block 29), and Avenue E (Block 29)
3. Council Members - City Engineer Almberg – Public Hearing - [Discussion Only](#) – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.

7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Council Members – City Building Official Peterson – [Discussion/For Possible Action](#) – Consideration of a petition for vacation or abandonment of a road or easement by Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280’L x 80’ W portion of Avenue E between Blocks 29 & 32 be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows: 466 East 7th Street, 777 Avenue E, 701 East Aultman, and Avenue E (Block 29).
2. Council Members – City Building Official Peterson – [Discussion/For Possible Action](#) – Consideration of a petition for vacation or abandonment of a road or easement by Applicants, represented by Pine West Holdings, LLC, are requesting that an approximate 280’L x 20’ W (5,600 sf.) of the Alleyway of Block 29 between Avenue D and E be vacated/abandoned to accommodate a future Commercial Development. The Applicants and the property addresses and/or general locations in Ely, NV are as follows: 466 East 7th Street, 777 Avenue E, 701 East Aultman, Avenue D (Block 29), and Avenue E (Block 29)
3. Council Members-City Engineer Almberg – [Discussion/For Possible Action](#) – Approval of Certification of Roads for Fuel Tax within the City of Ely, Nevada, pursuant to NRS 365.550.

8. ITEMS FOR DISCUSSION/POSSIBLE ACTION ONLY OF THE ELY CITY COUNCIL.

A. CONSENT AGENDA (These items may be approved in one motion by the Council as its first action of business under For Discussion/Possible Action items.) Approval of the Consent Agenda approves each of these items. Council Members may remove any item from the Consent Agenda by notifying the Mayor or Mayor pro temp.

MOTION: Move to approve the Consent Agenda item 8A-1 Bills.

Moved by: _____ Second by: _____ Vote: _____

1. Discussion/For Possible Action – Bills
 - [February 13, 2023](#)

B. NEW BUSINESS

1. Councilman Carson – [Discussion/For Possible Action](#) – Review of employee and elected official feedback on draft City mission statement and subsequent City mission statement revisions, with determination of next steps prior to approval.

2. Councilwoman Elliott – Discussion/For Possible Action – Request Mayor Robertson, with the support of City staff and input from Council Members, to prepare and give a State of City address in accordance with NRS 266.190 2. (a). Address to be given at the first City Council meeting in March and also submitted in writing.
3. Councilwoman Elliott – [Discussion Only](#) - Review of commercial driver license issues as they pertain to City and local business staffing.
4. Councilman Alworth – Councilwoman Elliott– Discussion Only – Update on Porter Group efforts on the City of Ely’s behalf to secure federal and State funding.
5. Council Members – City Attorney Cahoon – [Discussion/For Possible Action](#) – Approval for the City of Ely to execute a "Subdivision Settlement Participation Form" (Exhibit K), pursuant to the One Nevada Agreement on Allocation of Opioid Recoveries ("One Nevada Agreement") previously agreed upon (by City of Ely in August 2021), electing to participate in the Walmart Settlement and release all claims against Walmart.


9. PUBLIC COMMENT: Comments not exceeding three (3) minutes in length will be accepted from the general public in attendance. If any are made, there may be discussion upon those comments. No vote, decision, or action may be taken upon matters raised under this item until it is formally placed on the agenda. “Section 7.05, of the Nevada Open Meeting Law Manual indicates that the Public Body may prohibit comment if the content of the comments is a topic that is not relevant to or within the authority of the Public Body or if the content of the comments is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers”.

10. ADJOURNMENT: THE MEETING MAY BE ADJOURNED BY APPROPRIATE MOTION OF THE CITY COUNCIL.

* Open session – Action/Discussion – Personnel** The meeting may be closed by appropriate motion for the purpose of discussion on any matter allowed under N.R.S. 241.031 and 241.033. (1) nothing contained in this chapter prevents a public body from holding a closed meeting to consider the character, alleged misconduct, professional competence or physical or mental health of a person/employee. (2) A public body may close a meeting upon a motion, which specifies the nature of the business to be considered. (3) This chapter does not: (a) Apply to judicial proceedings. (b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness. (d) Require that any meeting be closed to the public. (e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body. (4) The exception provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter in order to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory powers. In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA’s TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.ascr.usda.gov/complaintfilingcust.html> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: Mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; Fax: (202) 690-7442; or Email: program.intake@usda.gov .

For access to the public packet, contact the City Clerk at 501 Mill Street, Ely, Nevada 89301 or call (775) 289-2430; all packet material is posted in the agenda's hyperlinks or under "Additional Documentation" on the City's website at <https://www.cityofelynv.gov/>

I, Jennifer Lee, City Clerk, did cause to be posted on **February 16, 2023**, by **5:00 p.m.** four (4) notices of the Ely City Council agenda in said City of Ely to wit: Posted at the doors or bulletin boards of City Hall located at 501 Mill Street, White Pine County Library located at 950 Campton Street, White Pine County Courthouse located at 801 Clark Street and the U.S. Post Office located at 2600 Bristlecone Avenue. The meeting notice is also posted on the City of Ely's website at <https://www.cityofelynv.gov/> and the State of Nevada Public Notices website at <https://notice.nv.gov>.

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